

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 3, 2009

DIVISION ONE

B199860 People (Not for Publication)
v.
Tarkington
Allen

The convictions are affirmed. The gang enhancements as to each defendant are reversed with directions that they be dismissed and that the 10-year sentences on those enhancements be stricken. The court is also directed to modify Tarkington's sentence by striking the 10-year firearm use enhancement, imposing the consecutive one-year armed principal enhancement and staying the sentence on the burglary conviction. Allen's sentence is also to be modified by striking the 10-year firearm use enhancement, imposing the consecutive one-year armed principal enhancement and staying the sentence on the burglary conviction. The trial court is directed to prepare respective abstracts of judgment accordingly and forward certified copies of the corrected abstracts to the Department of Corrections and Rehabilitation.

Rothschild, J.

We concur: Mallano, P.J.
 Hastings, J. (Assigned)

B207280 People (Not for Publication)
v.
Mark Anthony Anderson

The judgment is affirmed.

Bauer, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

DIVISION ONE (continued)

B208350 Kurdoglayan et al. (Not for Publication)
 v.
 Baghdassarians et al.

The Ramsdell Agreement contains the only enforceable arbitration agreement between the parties. That agreement requires arbitration of “disputes with respect to [the Ramsdell] Agreement.” The Ramsdell arbitration agreement does not extend to other disputes between the parties. The record does not reveal evidence of any other arbitration agreement between the parties. Accordingly, we affirm the trial court’s order compelling arbitration of disputes relating to the Ramsdell Agreement only.

Bauer, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B205629 Ronald Marinaro (Not for Publication)
 v.
 Hanger, Levine & Steinberg

The order granting summary judgment is reversed, with directions that the motion be denied. Appellant shall recover costs incurred in this appeal.

Bauer, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

March 3, 2009 (Continued)

DIVISION TWO

B205862 Tipler (Not for Publication)
v.
City of Palmdale

The judgment is affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

B206376 People (Not for Publication)
v.
Stebler

The judgment is modified to strike the four-year enhancement imposed in count 1 under section 12022.7, subdivision (e) of the Penal Code. In all other respects the judgment is affirmed. The superior court is directed to amend the abstract of judgment accordingly and to forward a corrected copy to the Department of Corrections and Rehabilitation.

Boren, P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

[illegible]

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

March 3, 2009 (Continued)

DIVISION TWO (continued)

B203866 People (Not for Publication)
v.
Delmark

The judgment is reversed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B208609 People (Not for Publication)
v.
Corbin

The judgment is affirmed.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

B202458 Meraz
v.
Tredway, Lumsdaine & Doyle LLP et al.

Filed order denying petition for rehearing.

B202459 St. Germain, et al.
v.
Tredway, Lumsdaine & Doyle LLP et al.

Filed order denying petition for rehearing.

March 3, 2009 (Continued)

DIVISION TWO (continued)

B207421 Kwok et al.
v.
Transnation Title Insurance Company

Filed order denying petition for rehearing.

DIVISION THREE

B204302 Brownstein (Not for Publication)
v.
Smith, et al.

The judgment is affirmed. Costs on appeal are awarded to defendants Douglas Smith and Bonnie Smith.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B195347 People (Not for Publication)
v.
Carlos Herrera-Villate

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B207448 In re Daniel Rico
on
Habeas Corpus

Filed order modifying opinion. (No change in the judgment)

March 3, 2009 (Continued)

DIVISION FOUR

B206518 Shaikh (Not for Publication)
v.
Century Surety Company

The judgment is affirmed. Century is awarded its costs.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

B205761 People (Not for Publication)
v.
Turner

The conviction of count four, the attempted robbery of Mario Morales, is reversed, and the case is remanded to the trial court for resentencing. In all other respects, the judgment is affirmed.

Epstein, P.J.

We concur: Manella, J.
Suzukawa, J.

[illegible]

The order of wardship is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Suzukawa, J.

March 3, 2009 (Continued)

DIVISION FOUR (continued)

[illegible]

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Suzukawa, J.

B206165 People (Not for Publication)
v.
Babaali

The judgment is reversed. The trial court is directed to set aside its order modifying the verdicts to reflect convictions of sexual battery (§ 243.4, subd. (e)(1)) and attempted sexual battery (§§ 664/243.4, subd. (e)(1)) and to dismiss the amended information.

Willhite, Acting P.J.

I concur: Suzukawa, J.
I dissent: Manella, J. (Opinion)

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Armstrong, J., Kriegler, J. and D. Nolan, Deputy Clerk.

Each of the following:

B212734	DCFS v. R.C. & J.M.
B212029	DCFS v. B.T.
B210574	In re L.B.; DCFS v. A.R.
B206103	People v. McNeal

Argument waived, cause submitted.

DIVISION FIVE (continued)

B202396 Murphy & Maconchy, et al.,
 v.
 Thomas Girardi, et al.,

Merits:

Argued by John Genga and Donald Moody for appellants and by Howard B. Miller for respondents. Cause submitted.

Court recessed.

Court reconvened at 9:59 a.m.

Present: Turner, P.J., Armstrong, J., Kriegler, J. and D. Nolan, Deputy Clerk.

B199799 Diane Oakes
 v.
 American Home Products

Merits:

Argued by Andrew N. Chang for appellant and by Stuart M. Gordon for respondents. Cause submitted.

Court recessed.

Court reconvened at 10:52 a.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. and D. Nolan, Deputy Clerk.

Each of the following:

B207912 People v. Jordan
B210408 In re A.D.; DCFS v. L.L.
B208628 People v. Baeza
B207071 People v. Navarro

Argument waived, cause submitted.

DIVISION FIVE (continued)

B205524 Neman v. FDIC

Matter taken off calendar.

B203783 Solte v. Villa

Matter continued to April calendar.

B206254 Walter McMahon
v.
City of Los Angeles

Merits:

Argued by Mark Berger for appellant and by Gregory P. Orland, Deputy City Attorney for respondent. Cause submitted.

B211805 In re Michael Prather
on
Habeas Corpus

Merits:

Argued by Richard Pfeiffer for petitioner and by Amanda Lloyd, Deputy Attorney General for respondent. Cause submitted.

B202660 City of Bellflower
v.
State Department of Water Resources

Merits:

Argued by Howard D. Gest for appellant and by Gary Tavetian, Deputy Attorney General for respondent. Cause submitted.

Court recessed.

March 3, 2009 (Continued)

DIVISION FIVE (continued)

Court reconvened at 1:02 p.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. and D. Nolan, Deputy Clerk.

B203820 Rory Cuilette
 v.
 City of Los Angeles

Merits:

Argued by Paul Lee Winnemore for appellant and by Irving Meyer for respondent. Cause submitted.

B211386 Los Angeles County, D.C.F.S.
 v.
 C.C.

Merits:

Argued by Merrill Toole for appellant and by Jacklyn Louie, Deputy County Counsel for respondent. Cause submitted.

Court adjourned.

B206789 Anschutz Entertainment Group
 v.
 Snepp, et al.

Filed order modifying opinion. (No change in the judgment)

B205061 People
 v.
 Satish Shetty

Filed order vacating submission order of December 9, 2008. Appellant to make an application for the issuance of a certificate of probable cause. Cause to be resubmitted upon notification of the trial court's ruling.

March 3, 2009 (Continued)

DIVISION SIX

B211113 People (Not for Publication)
v.
Moralex

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B204343 People
v.
Keefe

Filed order modifying opinion. Appellant's petition for rehearing is denied.
(No change in the judgment)

DIVISION SEVEN

B209127 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Maria A.

The judgment is affirmed.

Jackson, J.

We concur: Perluss, P.J.
Zelon, J.

March 3, 2009 (Continued)

DIVISION EIGHT

B204591 People (Not for Publication)
v.
Jeramino Wardlaw

The judgment is affirmed.

Flier, Acting P.J.

We concur: Bigelow, J.
O'Neill, J. (Assigned)